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Animal and Plant Health Inspection Service

Miscellaneous  
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# Animal Care: Safeguarding the Welfare of Animals



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*Cover photo:* An AC veterinary medical officer inspects a marine mammal while an animal caretaker looks on. Exhibit animals are covered under the provisions of the Animal Welfare Act, which the Animal and Plant Health Inspection Service enforces through its Animal Care program.

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## AC Mission

Healthy animals are a critical part of our daily lives. They help us make medical advances such as discovering new vaccines. They entertain us at circuses and in movies, and they serve as our companions.

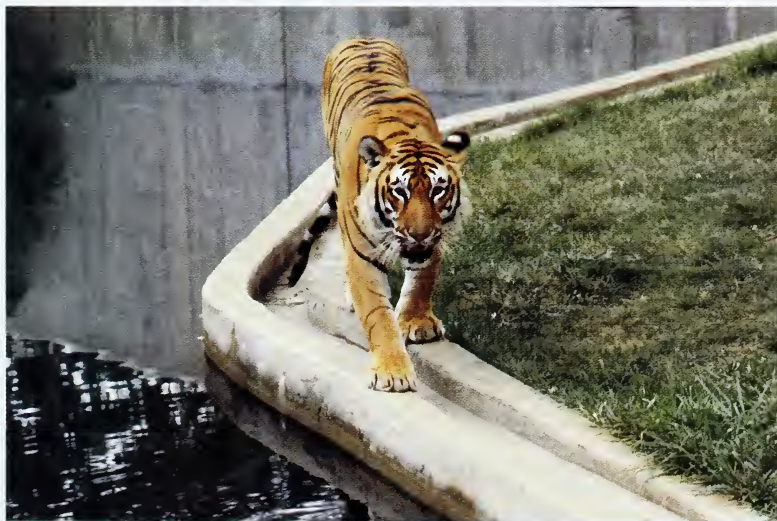
In return, we take responsibility for their health and well-being. We must feed them, ensure they get veterinary care, and provide for their overall welfare.

The Animal Care (AC) program in the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) plays a key role in this effort. As USDA's guardian of animal welfare, AC makes sure that proper care is provided to most warmblooded animals used in research or

exhibition, sold as pets at the wholesale level, or transported in commerce.

AC also works to prevent the practice of "soring." Soring is a procedure that entails applying chemical or mechanical irritants to a horse's pastern to enhance its gait. Soring is typically used on gaited horses as a cruel shortcut to proper gait training.

AC's mission is to provide leadership in establishing acceptable standards of humane animal care and treatment and to monitor and achieve compliance through inspections, education, and cooperative efforts.



Unlike most domestic cats, tigers love water. This zoo exhibit features a moat that the tigers can use. Visitors look down on the exhibit from a safe height, so intrusive fencing is not needed to contain the animals.



## Brief Overview of AC

AC administers two laws that seek to ensure the humane handling of animals: the Animal Welfare Act (AWA) and the Horse Protection Act (HPA). The AWA requires that minimum levels of care be provided to animals used in research or exhibition, sold as pets at the wholesale level, or transported in commerce. The HPA prohibits the practice of soring.

AC is headquartered in Riverdale, MD, and has three regional offices

in Raleigh, NC, Fort Worth, TX, and Sacramento, CA. These offices are charged with enforcing the AWA and HPA in each of their respective regions.

The shadowbox on the outside back cover of this booklet provides the addresses and phone numbers for all AC offices, as well as AC's e-mail address for incoming correspondence and AC's address on the World Wide Web.



Although the AWA prescribes minimum standards for care of dogs used in breeding facilities, most licensees treat their animals with affection that goes beyond the letter of the law.

## AC Employees

All AC employees are highly qualified and have an excellent professional support system and communications network. Many also have specialized interest and expertise in such areas as the care of laboratory animals, zoo animals, or marine mammals.

Most AC employees are either veterinary medical officers (VMO's) or animal care inspectors. A limited

number are administrative personnel. All the VMO's are graduates of veterinary medical colleges, and many have been practicing veterinarians earlier during their career. The animal care inspectors, though not veterinarians, have extensive experience in the care and handling of animals. This experience typically includes both coursework and practical hands-on knowledge.



An AC inspector oversees an animal kennel being loaded onto an airplane by an airline employee. While dogs and cats are traveling on a common carrier, they are protected under the AWA.

## Brief Overview of the AWA

The AWA requires that minimum standards of care and treatment be provided for most warmblooded animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Covered animals include those exhibited in zoos, circuses, and marine mammal facilities, as well as pets transported on commercial airlines. The AWA also prohibits staged dogfights, bear and raccoon baiting, and similar animal fighting ventures. The law was passed in 1966 and amended in 1970, 1976, 1985, and 1990.

AC conducts randomly scheduled, unannounced inspections to ensure that all regulated facilities are complying with the AWA. If an inspection reveals deficiencies in

meeting the AWA standards and regulations, the inspector either instructs the facility to correct the problems within a given timeframe or, in serious cases of negligence or suffering, recommends formal legal action. If minor deficiencies remain uncorrected at followup inspections, AC documents the facility's deficiencies and considers possible legal action. Such action could result in fines of up to \$2,500 per violation and/or license suspensions or revocations.

In addition to the AWA, many State and local governments have passed animal welfare legislation. The public is encouraged to work with Federal, State, and local officials as well as local humane organizations to help reduce inhumane treatment of animals.



An AC veterinary medical officer inspects lab-animal enclosures at a research facility with the assistance of a facility employee.



## Brief Overview of the HPA

The HPA prohibits sored horses from participating in exhibitions, sales, shows, or auctions. This law also prohibits drivers from hauling sored horses across State lines to compete in shows. The HPA was first passed in 1970 and amended in 1976.

To enforce the HPA, AC oversees the Designated Qualified Person (DQP) program. DQP's, who are trained and licensed by USDA-certified horse industry organizations to detect sored horses, typically have extensive experience in equine health and husbandry.

DQP's are responsible for barring from shows any horses that do not meet the HPA standards. To ensure that the DQP's continue to adhere to HPA standards, AC personnel conduct randomly scheduled, unannounced inspections at horse shows and sales.

For those who violate the HPA, APHIS can impose criminal or civil charges. If convicted, violators can spend up to 2 years in prison, receive penalties of up to \$5,000, and be disqualified for 1 or more years from the right to show, exhibit, or sell horses through auction sales. Trainers can be disqualified for life.



This Tennessee walking horse is wearing modified shoes that encourage it to perform the high-stepping gait called the "big lick." Such shoes, and certain other devices, are legal under the Horse Protection Act.

## Strategic Initiatives

Over the past several years, AC has undertaken many initiatives to improve all facets of its operations. These initiatives have enhanced the way the program conducts AWA inspections and pursues AWA enforcement actions. The initiatives have also affected the way the program enforces the HPA. Below are highlights of the major initiatives.



An AC veterinary medical officer checks a horse's foreleg for signs of soring, which is illegal under the HPA.

### **New AWA Inspection Strategy: Quality Over Quantity**

In 1997, AC modified its inspection strategy. After 30 years of focusing on conducting as many inspections as possible, the program began performing more indepth inspections—particularly of those licensees and registrants who have had a history of compliance problems.

The result has been a reduction in the overall number of inspections, but a substantial increase in the amount of time available for inspecting individual facilities. AC has used this additional time to inspect licensees' and registrants' animals, structures, and records more carefully—an approach that makes better use of AC's inspection resources.

To support this focused inspection strategy, AC implemented a formal risk-based inspection system in February 1998. This system uses several objective criteria, including compliance history, to determine the appropriate inspection frequency for each licensed and registered facility.

Under the system, facilities that meet all of the criteria qualify for a low inspection frequency and are subject to inspections as seldom as once every 2 to 3 years. Facilities that meet few or none of the criteria qualify for a high inspection frequency and are subject to inspections at least every 6 months. Those in the middle qualify for a medium inspection frequency and are inspected no less than once a year.

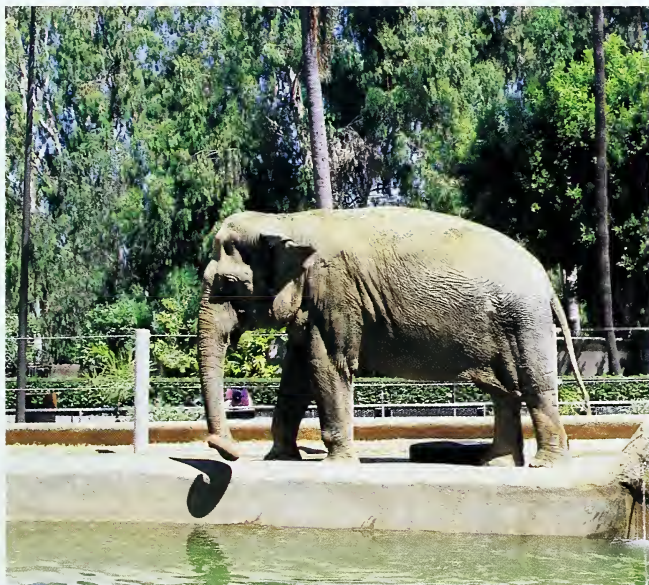
### **New AWA Enforcement Strategy: A Tailored Approach**

In 1995, AC launched a new two-pronged enforcement strategy. Instead of handling all cases of alleged AWA violations the same way, AC now tailors its enforcement approach to best ensure the welfare of the animals.

For licensees and registrants who show an interest in improving the conditions for their animals, AC actively pursues innovative penalties that allow the individuals to invest part or all of their monetary sanctions in facility improvements. In so doing, AC enables the individuals to improve the conditions for their animals immediately

while the program sends a clear message that future violations will not be tolerated. In the past, most such fines were either suspended or paid directly to the U.S. Treasury, but neither of those results directly improved the plight of the violators' animals.

Today, for those licensees and registrants who do not show interest in improving the conditions for their animals, AC moves swiftly and pursues stringent enforcement action. Such action typically includes substantial monetary penalties and/or license suspensions or revocations. It may also include confiscation of the animals and relocation to another facility if they are found to be suffering.



When APHIS found out that several captive elephants in the United States had tuberculosis, AC stepped up its testing requirements for TB.



Since launching this initiative, AC has directed more than \$1.5 million to be spent directly on improving the conditions for animals. At the same time, the program has maintained its enforcement presence by issuing monetary penalties of more than \$2.5 million.

AC has also been able to reduce the average time to resolve AWA cases from more than 2 years to a little less than 1 year. In addition, AC has avoided the expense of more than 150 administrative hearings, which would have cost USDA an estimated \$1.5 million.

This pioneering initiative earned AC Governmentwide recognition in 1999.

### **New Approach to HPA Enforcement**

In December 1997, AC unveiled its new strategic plan for horse protection. This voluntary plan seeks to increase industry's role in enforcing the HPA. Under the plan, USDA-certified horse industry organizations are given primary responsibility for imposing HPA sanctions, and APHIS evaluates the organizations to ensure that they are correctly identifying violations and issuing appropriate penalties. As a result, APHIS pursues substantially fewer formal cases against alleged HPA violators. This approach allows for the most effective use of AC's limited resources and enables industry to take the lead in ensuring humane care for its animals. AC continues to work with horse industry organizations to implement this plan.

### **Performance-Based Management**

AC has taken an active role in measuring its effectiveness in meeting its mandate as required by the Government Performance and Results Act. To this end, AC has identified seven specific performance indicators: percentage of facilities in compliance; percentage of animals affected by noncompliance; average number of days until a case is resolved; percentage of employee participation in an inspection quality and uniformity program; and average customer satisfaction with the AWA regulations, the program's informational materials and electronic access thereto, and overall program delivery. AC has also worked to establish baseline levels of performance for each of these indicators and goals for improving performance in the future.

### **Increased Training for Employees**

Since 1997, AC has worked to identify critical enforcement needs and to provide training for employees targeted to those needs. These efforts include:

- The public is concerned about several incidents of inhumane treatment of circus elephants. To improve APHIS' ability to protect these popular performers, AC has held special training courses for our employees on elephant care and handling. The courses were taught by recognized experts in the field of elephant care and handling and covered such areas as foot care and proper training techniques. About 45 members of AC's field force—more than half of our inspectors—completed the courses.

- Periodically, AC holds a national work conference for its field personnel. The weeklong meeting is attended by AC personnel from Hartford to Honolulu and focuses on ensuring quality and uniformity of inspections.
- Recently, AC provided specialized training for its field personnel who inspect dog dealers on what to look for when examining dealer facilities.
- Because DQP's work under APHIS' auspices to inspect show horses, AC conducts HPA training sessions with DQP's each year to inform them of the latest HPA requirements and methods for detecting sore horses.

### **New Complete and Concise Policy Manual**

AC employees do their work under guidelines set down in a policy manual. However, AC recognizes that the public wants to know *how* we protect animals in our daily operations. In May 1997, AC published a new policy manual that consolidates and replaces all previous memoranda and response letters. The policies are intended to increase the quality and uniformity of AWA reports, inspections, and enforcement. They also are the first part of AC's effort to develop a program manual with workable, comprehensive, and user-friendly guidelines.

AC's policies explain, clarify, and interpret existing AWA standards and regulations. Although primarily for the use of AC inspectors, the new policy manual is available to all

program stakeholders upon request and can be printed from AC's Website ([www.aphis.usda.gov/ac](http://www.aphis.usda.gov/ac)).

### **Class B Dealer Traceback**

Class B animal dealers, who supply animals to research facilities, typically obtain their animals from pounds and shelters, pet owners who wish to relinquish ownership, and other legitimate sources. Nevertheless, the public is concerned that some of these dealers may be trafficking in stolen animals. AC personnel conduct intensive traceback efforts to ensure that dogs and cats sold by these dealers come from legitimate sources.

Under the AWA, random-source dealers are required to maintain accurate records of the acquisition and disposition of their animals. APHIS' traceback effort has focused on tracing animals back to the point of origin to make sure these records are accurate and complete. To optimize this effort, APHIS has conducted quarterly inspections of all random-source dealers since the traceback project went into effect in 1993. AC has also taken stringent enforcement action when violations are found, including issuing fines totaling more than \$500,000 and suspending or revoking licenses.

The results of this effort have been tremendous. From 1993 through 1998, the percentage of random-source animals traced back to their original source increased from a little more than 40 percent to more than 90 percent. At the same time, the number of class B dealers selling random-source animals has decreased from more than 100 to fewer than 40.



## Public Outreach

Over the past few years, AC has carried out many outreach activities, including a multiyear public affairs campaign to educate and inform all program stakeholders about AC's role in enforcing the AWA and HPA. To support this effort, the program is upgrading all of its existing public affairs materials and making new products as needed. Below are a few notable outreach activities.

- In March 1997, the "Animal Care Report" was the first product to roll off the presses under AC's new public affairs campaign. This quarterly report, which provides brief overviews on all key issues affecting AC's administration of the AWA, is mailed at no charge to program stakeholders to keep them up to date on current program initiatives. The report has more than 1,900 subscribers and is also posted on AC's Website.
- In September 1997, AC launched a key component in its public affairs campaign: an initiative to educate members of

the general public about traveling safely with their pets. To support the campaign, AC distributed three different informational pieces—a new, full-color brochure that gives an overview of both the AC and airline requirements for transporting animals on commercial airplanes, a factsheet that contains similar information, and a sticker labeled "Live Animals" to place on travel kennels to meet AWA requirements.

- AC is also improving communication with stakeholders via its Website. AC's site provides information on the AWA regulations, a list of available AC publications, and much more. It is also linked to many other Websites of organizations concerned with animal care and well-being. In the summer of 1996, AC's missing pets page—a part of the Website developed by an AC headquarters employee—was highly acclaimed for the important service it provides pet owners nationwide.



Two young boys make eye contact with an inquisitive dolphin at a marine mammal facility. APHIS AC has published two major books on marine-mammal water quality and is committed to helping America's zoos and water parks care for dolphins, walruses, sea otters, and whales in captivity.

## Regulatory and Policy Initiatives

AC regularly reviews its existing AWA and HPA regulations and policies to identify areas that deserve additional efforts. Below are a few of AC's significant regulatory and policy initiatives in recent years.

### **Tethering Outlawed as Means of Enclosure**

Over time, AC inspectors became aware that some dog dealers were tying up their animals on leashes rather than providing primary enclosures. To improve the well-being of dogs, USDA published a final rule amending the AWA regulations and removing the provisions that allowed the permanent tethering of dogs as a means of providing primary enclosure. Temporary tethering of dogs as a means of primary enclosure for health or other reasons is permitted if licensees obtain approval from their AC inspector or regional office. But in most cases, licensees must now provide their animals with a

primary enclosure that enables them to move about freely without being tied down.

### **Tuberculosis (TB) Testing for Elephants**

In the late 1990's, APHIS discovered the presence of TB in the captive elephant population in circuses and zoos in the United States. To improve the health of these popular exhibit animals, AC began requiring that all captive elephants be periodically tested for TB. This requirement, detailed in an AC policy, was developed in association with a team of experts from industry and government. It is being enforced under the adequate veterinary care standard in the AWA regulations. Around 500 regulated elephants benefit from this new requirement. Any animals found positive for TB must undergo quarantine and/or treatment.



A scientist looks fondly at a primate at an AWA-registered research facility. AC keeps track of how many regulated animals are used in research nationwide and reports this information to Congress every year, as required by the AWA.

### **Wire Flooring in Dog and Cat Enclosures**

Kenneling dogs and cats in wire cages is permitted under the AWA, but AC has taken steps to ensure that wire flooring is less likely to hurt the animals' footpads. Through amendments to the AWA standards, AC now requires that floors in primary enclosures for dogs and cats be constructed of coated wire if the wire is 1/8 inch in diameter or smaller. The coating must be made of a material such as plastic or fiberglass. AC also requires that any such wire floor, whether coated or uncoated, be constructed so that the floor does not bend or sag between the supports. This sturdier construction is less taxing on the animals' legs and joints.

### **AWA Temperature Requirements**

Temperature extremes are dangerous for dogs and cats, especially when they are in transit and cannot freely move to more temperate environments. Recognizing this fact, AC recently revised the AWA temperature requirements to clarify the climatic conditions allowed for dogs and cats in indoor, sheltered, and mobile housing facilities; in primary conveyances used for transportation; and in animal holding areas of airport terminal facilities. The rules now state that animals covered under the AWA are not to be exposed to combinations of time, temperature, and humidity that would adversely affect the animals' health and well-being. The responsible party must take into account each transported animal's health status, breed, age, and other pertinent factors in assessing the temperature of transport-related facilities.

### **Training and Handling of Dangerous Animals**

For the past several years, AC has explored ways to improve the AWA training and handling requirements for potentially dangerous wild and exotic animals. Toward this end, the program has examined, among other things, suggested experience requirements for animal handlers and trainers and contingency plans for the recapture of escaped or uncontrollable animals. The goal is to identify "best practices" for animal trainers and handlers.

### **Perimeter Fencing**

For the past several years, AC has worked to establish perimeter fencing requirements for animals covered under the AWA, with emphasis on wild and exotic animals. The goal is to require a perimeter fence at least 6 feet high for most animals and 8 feet high for dangerous animals, such as elephants, bears, and large cats. All requirements would be designed to better contain the animals and to keep out unwanted animals. The requirements, when finalized, would not apply to nonhuman primates, which already have fencing requirements under the AWA regulations.



Several circus animals enjoy a quiet moment of shade under the canvas of the big top.

## Future Issues

NATIONAL AGRICULTURAL LIBRARY



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AC currently faces issues that could affect the future performance of the program:

- A petition to require that USDA exercise its authority under the AWA to regulate rats, mice, and birds. If adopted, the petition would substantially increase AC's regulatory responsibilities and affect oversight of other program activities (e.g., inspections of dog dealers and animal exhibitors).
- Increasing public recognition of animal welfare issues and support for more laws protecting animals.

AC will continue to evaluate these and other future trends to assess their impact on the program and identify ways to improve enforcement of AWA and HPA.

For additional information, contact your local AC regional office, send AC an electronic mail message, or visit AC's Website. Please refer to the shadowbox on the back cover of this brochure for the applicable addresses, phone numbers, and other contact information.



If rats, mice, and birds are brought under the protection of the AWA, the cages of exotic parrots on display, like this zoo specimen, will be inspected by AC employees nationwide.





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